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to commission all Officers, and keep the Great Seal of U. S. — He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U. S. and Admiral of their Navy — He shall have Power to convene the Legislature on extraordinary Occasions — to prorogue them, provided such Prorogation shall not exceed Days in the Space of any He may suspend Officers, civil and military.

The Legislature of U. S. shall have the exclusive Power — of raising a military Land Force — of equipping a Navy — of rating and causing public Taxes to be levied — of regulating the Trade of the several States as well with foreign Nations as with each other — of levying Duties upon Imports and Exports — of establishing Post-Offices and raising a Revenue from them — of regulating Indian Affairs — of coining Money — fixing the Standard of Weights and Measures — of determining in what Species of Money the public Treasury shall be supplied.

The foederal judicial Court shall try Officers of the U. S. for all Crimes etc in their Offices.

The Legislature of U. S. shall have the exclusive Right of instituting in each State a Court of Admiralty for hearing and determining maritime Causes.

The Power of impeaching shall be vested in the H. D. The Senators and Judges of the foederal Court, be a Court for trying Impeachments.

The Legislature of U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia etc. and of ordering the Militia of any State to any Place within U. S.

4. A Letter of James Nicholson, 1803.

WHEN the friends of George Clinton began, as early as 1803, to work for him for the vice-presidency at the next election, his political enemies charged him with having been hostile to Jefferson and friendly to Burr in the campaign of 1800.¹ To meet this charge James Nicholson wrote out a somewhat detailed account of the manner in which Burr came to be nominated in 1800, and indicated the exact share that Clinton had had in that transaction: this account was handed over to Clinton to be used as he thought best. Early in January, 1804, there was some talk of publishing the statement of Nicholson,² but, so far as is known, this was never done. Copies of this statement, which Clinton said was substantially correct, although it ought to be improved in style for Nicholson's sake, are to be found in the George Clinton papers³ in the state library at Albany, and in the De Witt Clinton papers⁴ in the library of Colum-

¹ Robert Smith to George Clinton, Nov. 22, 1803. George Clinton MSS., XXVIII. 7233.

² Geo. Clinton to De Witt Clinton, Jan. 2, 1804. De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

³ Geo. Clinton MSS., XXVIII. 7250.

⁴ De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

bia University. The following reproduction, which is taken from the George Clinton manuscripts, may serve at the same time to throw some needed light upon the nomination of Burr in 1800 and to illustrate nomination methods before nominating machinery was in good running order.

CARL BECKER.

Some time in the Month of April 1800 I received a letter from a Friend in Congress requesting me to call upon Gov^r Clinton and Col. Burr and get their answer respecting being held up as Vice President of the United States and also acquainting me That it was understood by the republican Members of Congress then about separating and returning to their Houses that Mr. Jefferson would be held up as Presid^t and one of the other Gentlemen as Vice President. I accordingly waited on Geo. Clinton and a long conversation took place between us which was as nearly as I can recollect to the following effect on his part. He mentioned that he had already devoted a great part of his life to the Public that the recent death of his Wife and the attention due to his Children had rendered him particularly averse from embarking in public life that nothing but the peculiar and unhappy condition of our public affairs and the pressing importunity of His friends had induced him to serve in the State Legislature, that having a voice in that capacity for electors and having consented to serve in it from the most disinterested views¹ it might appear as if he had been governed by contrary views if he would accede to my request that there would be no difficulty in selecting a proper Character and that Col. Burr whose name was mentioned in my Correspondent's letter Chancellor Livingston or Mr. J. Langdon would answer as well if not better than himself. I then pressed the Governor with great earnestness on the Subject and mentioned emphatically that his refusal might affect the election of Mr. Jefferson as Presid^t. He was much affected at this and answered that he could not believe that it would be the case. That however the love of his Country was uppermost in his Heart and that if it was conceived that any serious injury would result to the republican cause from his declining he would consent so far as that his name might be used on the ticket without contradiction on his part but that it should be understood that if this step should be really deemed expedient that if elected he should be at liberty to resign without giving umbrage to our friends. Upon this I determined to draft a letter to this effect and shew it to the Gov^r previous to its transmission in order that he might be satisfied that I had correctly communicated his ideas on the Subject. I accordingly went again to His House the same day and shewed him a correspondent draft which he approved of and returned. After leaving him I called at Mr. Burr's House and finding him alone I shewed him my correspondent¹⁸ letter and my answer and requested

¹ The way in which the nomination for the assembly was forced upon Clinton is detailed by Clinton in a letter to De Witt Clinton, Dec. 13, 1803. De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

his sense on the Subject. He appeared agitated declared he would have nothing to do with the business that the Southern States had not treated him well on a similar occasion before, that he thought their promise could not be relied on and that he would not give up the certainty of being elected Gov^r to the uncertainty of being chosen V. P. He then immediately left the room and two Republican Gentleⁿ in whom I had confidence came in I mentioned to them my business and also, I think, shewed them the letter and informed them of my communications with Gov^r Clinton and Col. Burr respecting it One of them declared with a determined voice that Col. Burr should accept and that he was obliged to do so upon principles which he had urged at the late election for members of assembly that all personal Considerations should be given up for the good of the Public Upon this they left the room and shortly after returned in company with Col. Burr after which some general conversation took place upon this subject and Col. Burr with apparent reluctance consented. Being well persuaded of the disinclination of Gov^r C. to accede to the office I then altered the letter into an unqualified declension on his part and also stated Col. Burr's assent which letter so altered being approved of by Col. Burr I sent it on by the Mail Some short time afterwards I communicated this proceeding to Gov^r Clinton and so far from his having exhibited any displeasure on the occasion he appeared happy in having got rid of any further concern in the affair. And if in my alteration of the letter I had misunderstood his views and wishes he had sufficient time to have notified the error previous to the final nomination of the Candidates.

Observing in some late publications Gov^r Clinton's views and conduct with regard to the Vice Presidency entirely misrepresented I have thought it an Act of Justice to give this narrative to be made such use of as may be thought best calculated to repel the unmerited charge against him.

JAMES NICHOLSON.

Dec^r 26th 1803.